

# South Dakota Poll Watcher and Observer Guidelines

Issued by Secretary of State Chris Nelson – July 2008

South Dakota law allows poll watchers and observers to be present to observe the voting and counting activity at polling places and provides guidelines for poll watchers and observers. (SDCL 12-18-8.1, 9, 9.1)

Administrative rule 5:02:12 establishes the number of poll watchers allowed at each polling place:

- Primary – one for each candidate
- General – one for each party
  - one for each independent candidate
  - one for each slate of presidential electors
  - one for each ballot question side
- Additional poll watchers are allowed if “adequate space” permits.

Any person present at a polling place to observe who does not declare themselves to represent one of the above categories is not a poll watcher but is an observer.

Election board workers may not be poll watchers. Candidates on the ballot may not be poll watchers or observers.

Poll watchers must be positioned in a location where they can plainly see and hear what is done within the polling place but may not interfere in any way.

Poll watchers and observers may converse with the election board and look at the pollbook only if it doesn't interfere with the voting process.

In the polling place or within 100 feet of the entry, poll watchers and observers MAY NOT:

- Campaign or wear buttons or clothing containing campaign information (SDCL 12-18-3)
- Solicit votes for or against any person, political party or ballot question position (SDCL 12-18-3)
- Maintain an “office or communication center” (SDCL 12-18-3)
- Interfere with a voter's free access to the polling place (SDCL 12-18-3)
- Interfere with the official actions of the election board (SDCL 12-18-9.1 and 12-26-22)
- Disrupt the administration of the polling place (SDCL 12-18-3)
- Touch any election supplies (SDCL 12-18-9.1)
- Attempt to control the legal actions of voters or the election board (SDCL 12-18-9.1)
- Use any communication or photographic device in any manner which repeatedly distracts, interrupts, or intimidates any voter or election worker (SDCL 12-18-3)
- See into voting booths, read identifying numbers on photo identification cards, or interfere with voters in the act of voting or with the official actions of the election board (SDCL 12-18-9.1)
- Disobey a lawful command of an election worker (SDCL 12-26-21)
- Cause a disturbance or breach of peace (SDCL 12-26-22)
- Engage in disorderly conduct such as threatening behavior or making unreasonable noise (SDCL 12-26-22 and 22-13-1)
- Advocate for or against a voter as the voter interacts with the election board (SDCL 12-18-3, 12-18-9.1, 12-18-10, 12-26-22)
- Run a system where cards or other items are exchanged with voters or other persons (SDCL 12-18-3)

The telephone at the polling place is for the use of the election board. Poll watchers and observers MAY NOT use the polling place telephone designated for the election board.

If a poll watcher or observer has a concern or question about any action occurring in the polling place, that person should bring this concern to the attention of the precinct superintendent. It is then the superintendent's responsibility to respond to that question or concern. Poll watchers and observers MAY NOT take any unilateral steps to change any action, inaction or activity occurring at the polling place. If the precinct superintendent fails to correct the questioned activity, the poll watcher or observer should contact the county auditor.